HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.13613 of 2000

Dated 13th day of June, 2007

Between:

Kolluru Narasinga Rao .. Petitioner

And

The Special Tahsildar, Land Acquisition,
Revenue Division, Collectorate,
Visakhapatnam-2
(formerly known as Special Deputy Collector) .. Respondent

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondent in not referring the matter to the Civil Court under Section 30 of the Land Acquisition Act, 1894 by considering the applications dated 17.2.2000 and 20.4.2000 submitted by the petitioner with regard to the compensation awarded in Award No.6 of 1993 dated 26.3.1993 in respect of the land of an extent of 1,743 square yards out of Ac.0.71 cents bearing patta No.943, T.S.No.41 situated in Block No.4, Sivajipalem, Visakhapatnam, which was acquired for widening N.H.5 road, as arbitrary and illegal.

The main grievance of the petitioner is that though he submitted applications requesting the Land Acquisition Officer to refer his matter to a Civil Court under Section 30 of the Land Acquisition Act, 1894, the respondent has not referred the matter.

The respondent has filed a detailed counter affidavit wherein it is stated that the compensation fixed by the Land Acquisition Officer under Section 11 of the Act was paid to other persons whose names are figured in the Notification.

In the light of the averment made by the Government in its counter, no purpose would be served in referring the matter to the civil Court for apportionment of the compensation.

Hence, the writ petition fails and is dismissed. No costs.

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13.06.2007

bcj